

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6716

BILL NUMBER: HB 1100

NOTE PREPARED: Dec 19, 2002

BILL AMENDED:

SUBJECT: Resisting Law Enforcement.

FIRST AUTHOR: Rep. Mahern

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill retains the offense of resisting law enforcement as a Class D felony instead of a Class A misdemeanor if, while committing the offense, a person draws or uses a deadly weapon or inflicts bodily injury on another person. It makes the offense a Class C felony if: (1) a person uses a vehicle to flee from a law enforcement officer; or (2) while committing the offense, a person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person or causes serious bodily injury to another person.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, resisting law enforcement is a Class A misdemeanor, but the penalty is enhanced to a Class D, Class C, or Class B felony under certain circumstance. The bill would amend some of the circumstance so that an offender who use a vehicle to commit the offense would be subject to the Class C felony rather than the Class D felony.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years. Since these offenders would have a later date of release, enhancing this offense from a Class D felony to a Class C felony could increase the number of beds needed if no other changes occur. Between FY 1997 and 2001, an average of 109 offenders were committed to Department of Correction (DOC) facilities for Class D felony resisting law enforcement. The average length of stay for a Class D felony is 10 months, while the average length of stay for a Class C felony is two years. Based on the commitment data reported by the Department of Correction and an effective date of July 1,

2003, an additional 128 beds would be needed for DOC facilities by 2005.

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D or C felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class D and Class C are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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